

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed April 20, 2006. At the time of the Office Action, Claims 1-11 were pending in this Application. Claims 1-11 were rejected. Claims 1 and 7 have been amended. Claim 9 has been cancelled without prejudice or disclaimer. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 112

Claims 1 and 7 were rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite and failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants amend Claims 1 and 7 to overcome these rejections and respectfully request full allowance of Claims 1 and 7 as amended.

Claim Objections

Claim 9 was objected to under 37 C.F.R. 1.75(c), as being improper dependent form or for failing to further limit the subject matter of a previous claim. Applicants cancelled Claim 9 to overcome this objection.

Rejections under 35 U.S.C. §103

Claims 1-11 were rejected under 35 U.S.C. §103(a) as being unpatentable over PCT Publication Number WO 00/52658 filed by Daniel Aljadeff ("Aljadeff") in view of U.S. Patent 6,563,910 issued to Menard et al. ("Menard"), and further in view of U.S. Patent 6,910,024 issued to Krishnamurthy ("Krishnamurthy"). Applicants respectfully traverse and submit the cited art combinations, even if proper, which Applicants do not concede, does not render the claimed embodiment of the invention obvious.

In order to establish a *prima facie* case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Furthermore, according to § 2143 of the Manual of Patent Examining Procedure, to establish a *prima facie* case of obviousness, three basic criteria must be met.

First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

The present invention as claimed in the independent claims requires a network of unidirectional and bidirectional subscribers. Aljadeff does not disclose the use of unidirectional and bidirectional subscribers. The Examiner stated that even though Aljadeff does not disclose the use of unidirectional and bidirectional subscribers, Menard discloses the use of unidirectional subscribers and that, therefore, a person skilled in the art would consider the implementation of such unidirectional subscribers in a network as disclosed by Aljadeff. Applicants respectfully disagree. The present invention as claimed in the independent claims is directed to a specific handling of messages coming from a unidirectional subscriber, namely that all bidirectional subscribers within the radio coverage area of an unidirectional subscriber receive a message sent by a unidirectional subscriber. None of the cited prior art discloses this step.

Moreover, the independent claims include the further limitation of “- *assigning individual time slots to each bidirectional subscriber.*” Krishnamurthy does not disclose to individually assign timeslots to bidirectional subscriber. On the contrary, Krishnamurthy discloses to select a randomly chosen time period after which a message is sent. Thus, no assignment of individual timeslots takes place. Moreover, if a subscriber is allowed to randomly select a period of time, two subscribers may chose the same time and in a wireless system as claimed, a collision will occur.

Therefore, Applicants believe that Krishnamurthy does not disclose the specific step of assigning timeslots and, therefore does not render the independent claims obvious in view of Aljadeff and Menard. Applicants respectfully submit that the dependent Claims are allowable at least to the extent of the independent Claim to which they refer, respectively. Thus, Applicants respectfully request reconsideration and allowance of the dependent Claims.

Applicants reserve the right to make further arguments regarding the Examiner's rejections under 35 U.S.C. §103(a), if necessary, and do not concede that the Examiner's proposed combinations are proper.

CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the amendments and remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe there are no fees due at this time, however, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney, Andreas Grubert, at 512.322.2545.

Respectfully submitted,
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